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*Representing the United States of America*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
-808-

UNITED STATES OF AMERICA,

2:18-mj-00338-PAL

Plaintiff,

GOVERNMENT'S MOTION TO  
DISMISS CRIMINAL  
COMPLAINT PURSUANT TO  
FEDERAL RULE OF  
CRIMINAL PROCEDURE 48(a)

JOSUE DIAZ-ORELLANA,

Defendant.

The United States of America, by and through DAYLE ELIESON, United States Attorney, and FRANK JOHAN COUMOU, Assistant United States Attorney, respectfully files this Motion to Dismiss Criminal Complaint Pursuant to Federal Rule of Criminal Procedure 48(a) to dismiss the above-captioned case against Defendant JOSUE DIAZ-ORELLANA.

The United States initiated this instant prosecution on March 20, 2018 charging Defendant with violating Title 18, United States Code, Section 1001 (Making False

1 Statements to a Federal Officer). *See* Doc. #1. Seven days later, the United States filed  
2 a new criminal complaint charging Defendant, and three co-defendants, with violating  
3 Title 18, United States Code Sections 113(a) (Assault with Intent to Commit Murder),  
4 1201(a) (Kidnapping), and 924(c) (Discharging Firearm During and in Relation to a  
5 Crime of Violence). *See* Doc. #1, in 2:18-mj-00361-VCF. Defendant is detained on both  
6 cases. In order to allocate its resources, the United States moves to dismiss the criminal  
7 complaint against Defendant in the instant case (2:18-mj-338-PAL).

8 Accordingly, the United States respectfully requests that this instant case (2:18-  
9 MJ-00338-PAL) against Defendant Josue Diaz-Orellana be dismissed without prejudice,  
10 and the case against the same be closed.

12 DATED: April 5, 2018.

Respectfully submitted,

DAYLE ELIESON  
United States Attorney

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//s//  
FRANK J. COUMOU  
Assistant United States Attorney

**IT IS SO ORDERED** this 9th day  
of April, 2018.

*[Signature]*  
Peggy A. Leen  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the United States Attorney's Office. A copy of the foregoing **GOVERNMENT'S MOTION TO DISMISS CRIMINAL COMPLAINT PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 48(a)** was served upon counsel of record, via Electronic Case Filing (ECF).

**DATED** this 5<sup>th</sup> day of April, 2018.

/ s / *Frank Coumou*

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FRANK COUMOU  
Assistant United States Attorney